NEW HAMPSHIRE BOARD OF NURSING MINUTES February 21, 2013

Recorder: Kathryn Dickson, Executive Secretary

| TOPIC | DISCUSSION | ACTION | FOLLOW-UP |
|---|--|---|--|
| 1.0 Call to Meeting | Nursing students welcomed from St. Joseph School of Nursing, Rivier University, and Plymouth State University | Meeting called to order at 8:00 a.m. with R. Duhaime, Chair, presiding Board members present: J. Kuras (JK), T. Collins (TC), B. Libby (BL), B. Fersch (BF), K. Kidder (KK), K. Baranowski (KB), N. Fortin (NF), A. Finn-Waddell (AF) Board members absent: H. Featherston (HF), C. Smith (CS) Board staff present: D. Nies (DN), S. Goodness (SG), K. Dickson (KD). L. Tetreault (LT) joined Board at 10:30 a.m. | |
| 1.1 Open Forum 1.1.1 Psychiatric/MN nurse practitioners re: credentialing 1.1.2 Community Paramedicine Draft Protocol | Psychiatric/MH nurse practitioners addressed Board with questions regarding credentialing. Clay O'Dell from NH Bureau of EMS and Gina Balkus from Home Health Care Association appeared before Board with presentation of draft of Community Paramedicine protocol. | Presentation provided as informational to BON. | Further discussion at March 7 Liaison Committee meeting. |
| 1.2 Addendum 1.2.1 Additions | | 7.1.2 K. McCarty, RN Hearing Counsel's List of Witnesses & Exhibits Respondent's List of Witnesses & Exhibits 7.1.3 M. Davis Young Additional Exhibits | |

| TOPIC | DISCUSSION | ACTION | FOLLOW-UP |
|---|--|--|--------------------------------|
| | | 8.1.5 B. Mockler (Thamm), RN 11:15 appearance 9.1.11.1 L. Wood, Letter of reference 9.1.14 M. Allard, LNA reinstatement 10.1.1 Pinkerton Academy LNA Program 11.3.3 LNA Scope of Practice 11.3.4 LNA Scope of Practice | |
| 1.2.2 Deletions | | 9.1.1 R. Stebbins, 11:30 appearance | Rescheduled for April meeting. |
| 1.2.3 Appearances | | 1.1.1 C. O'Dell 8:00 a.m. G. Balkus 4.1 J. Barnes 8:30 a.m. 7.1.1 M. McCabe 8:45 a.m. 7.1.2 K. McCarty 9:30 a.m. 7.1.3 M. Young 10:15 a.m. 7.1.4 K. Descoteau 10:45 a.m. 7.1.5 L. Fitzsimmons 11:00 a.m. 8.1.3 K. McGinley 11:45 a.m. 9.1.2 M. Cestaricch via tel 1:00 p.m. 9.1.3 L. Scott 1:05 p.m. 8.1.4 H. Erwin 1:10 p.m. 9.1.4 J. Loud 1:15 p.m. 9.1.5 C. Thivierge 1:10 p.m. 9.1.6 S. Swoger 1:25 p.m. 9.1.7 K. Hutchinson 1:30 p.m. 9.1.8 T. Silva 1:35 p.m. 9.1.9 A. Nicholson 1:40 p.m. 9.1.10 K. Kesmetis-Beaudet 1:45 p.m. 9.1.11 L. Wood 1:50 p.m. 8.1.1 R. Perkins 1:55 p.m. 9.1.12 A. Connelly 2:10 p.m. | |
| 2.0 Approval of minutes 2.1 January 17, 2013 | Reviewed and discussed. | M/KK, S/NF to approve minutes as written. Unanimous. | |
| 4.0 Report of Executive Director/Staff 4.1 Expense Summary Budget | J. Barnes went over budget with Board. | | |

| | TOPIC | DISCUSSION | ACTION | FOLLOW-UP |
|-----|--|---|--|----------------|
| 7.0 | Adjudicative (Investigator/Prosecutor) 7.2 Consent Decree/Settlement Agreement/ Voluntary Surrender/ Reciprocal Discipline/Practice Restrictions | | | |
| | 7.2.1 S. Trow, LNA, VS #013864-24 | Removed from Consent Agenda for review. | M/KB, S/TC to accept Voluntary Surrender as presented. Unanimous. | DN to respond. |
| | 7.2.2 D. Balser, RN,SA #030799-21 | Previously reviewed. | M/NF, S/KB to accept Settlement Agreement as proposed. Unanimous. | DN to respond. |
| | 7.2.3 P. Ericksen, LPN (BF recused) #008224-22 | Previously reviewed. | BF recused. M/NF, S/KB to accept Voluntary Surrender as proposed. Unanimous. | DN to respond. |
| | 7.2.4 E. McCarron, RN | Removed from Consent Agenda for review. | M/NF, S/TC to deny Settlement Agreement as proposed. Unanimous. | DN to respond. |
| | 7.4 Dismissals (Proposed) 7.4.1 V. W., RN (BF recused) | Previously reviewed. | M/NF, S/KB to accept recommendations as proposed. Unanimous. | DN to respond. |
| | 7.4.2 E. B., APRN (BF recused) | Previously reviewed. | M/NF, S/KB to accept recommendations as proposed. Unanimous. | DN to respond. |
| | 7.4.3 M. L., RN (BF recused) | Previously reviewed. | M/NF, S/KB to accept recommendations as proposed. Unanimous. | DN to respond. |
| | 7.4.4 A. C., RN (BF recused) | Previously reviewed. | M/NF, S/KB to accept recommendations as proposed. Unanimous. | DN to respond. |
| | 7.5 Recommendations (Proposed) 7.5.1 S. L., RN (BF recused) | Previously reviewed. | M/NF, S/KB to accept recommendations as proposed. Unanimous. | DN to respond. |

| TOPIC | DISCUSSION | ACTION | FOLLOW-UP |
|---|---|---|----------------|
| 7.5.2 J. W., LNA (BF recused) | Previously reviewed. | M/NF, S/KB to accept recommendations as proposed. Unanimous. | DN to respond. |
| 7.5.3 E. K., ME RN | Removed from Consent Agenda for review. | M/NF, S/KB to accept recommendations as proposed. Unanimous. | DN to respond. |
| 7.5.4 O. C., LNA (BF recused) | Previously reviewed. | M/NF, S/KB to accept recommendations as proposed. Unanimous. | DN to respond. |
| 7.5.5 E. B., RN (RD recused) | Previously reviewed. | M/NF, S/KB to accept recommendations as proposed. Unanimous. | DN to respond. |
| 7.1 Hearings 7.1.4 K. Descoteau, RN #054487-21 | Reviewed and discussed Motion to Continue. | M/NF, S/KB to accept Motion to Continue. Unanimous. | DN to respond. |
| 7.1.5 L. Fitzsimmons, RN #051710-21 | Reviewed and discussed Motion to Continue. | M/NF, S/KB to accept Motion to Continue. Unanimous. | DN to respond. |
| 3.0 Report of Chair/Members 3.1 Review of Proposed Amendments to Rules | Reviewed proposed rule changes 100, 200, 500 and 600. | M/KB, S/NF to approved proposed amendments to 100, 200, 500 and 600. Unanimous. | |
| | Reviewed proposed rule changes to 700 and 800. | M/KB, S/TC to approve proposed amendments to 700 and 800. Unanimous. | |
| 7.0 Adjudicative (Investigator/Prosecutor) 7.1 Hearings 7.1.1 M. McCabe, APRN #043206-21/23 | Reviewed and discussed proposed Settlement Agreement in lieu of | M/NF, S/TC to deny Settlement Agreement as proposed and keep | DN to respond. |
| | hearing. Matthew McCabe, APRN, Respondent, appeared with his attorney, Jon Meyer, | suspension in place pending hearing on whether permanent and/or temporary disciplinary sanctions should be imposed. | |

| TOPIC | DISCUSSION | ACTION | FOLLOW-UP |
|--|--|--|----------------|
| 7.1.2 K. McCarty, RN | Esquire. Joni Spring, Director, Dept of Nursing, Elliot Hospital and Attorney Lenihan from Elliot Hospital spoke in opposition of Settlement Agreement. Hearing held for K. McCarty, RN # | Unanimous. M/KB, S/NF to affirm Hearing Counsel's | DN to respond. |
| 7.1.2 K. McCarty, RN #050623-21 | Hearing held for K. McCarty, RN # 050623-21, Docket #12-1205-0348 pursuant to the Nurse Practice Act, RSA 326-B and the administrative rules Chapters 100-800, proceeded at 10:41 a.m. with R. Duhaime (RD), Chair presiding. Board members present: K. Baranowski (KB), A. Finn-Waddell (AF), K. Kidder (KK), B. Libby (BL), B. Fersch (BF), T. Collins (TC), J. Kuras (JK) Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor, Hearing Counsel for the Board. Reading of Notice of Hearing waived. Respondent present to offer testimony. Attorney Lucy Karl represented Respondent. Witnesses for Hearing Counsel: Ann Becker, RN, Director of Care Management for Concord Hospital. Ann Mills, RN, Director of Care Management for Concord Hospital. Witnesses for Respondent: Suzanne Coble, MD via telephone Alison Parodi-Bieling, CEAP, MSW, Employee Assistance Counselor, Concord Hospital Employee Assistance Program Hearing concluded at 11:18 a.m. | M/KB, S/NF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #12; affirm Hearing Counsel's Proposed Rulings of Law #1 - #2; affirm Proposed Sanctions #2 - #7; amend Proposed Sanctions #1 to impose 2-year PROBATION with standard stipulations and assess monetary penalty of \$500 to be paid within 90 days from effective date of Board's order. Unanimous. | DN to respond. |
| 7.1.3 M. Davis Young, APRN #038425-23 | Show Cause Hearing held for M. Davis Young, APRN # 038425-23, Docket #12-1228-0354 pursuant to the Nurse Practice Act, RSA 326-B and the administrative rules Chapters 100-800, | M/KK, S/AF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #11 as amended; affirm Hearing Counsel's Proposed Rulings of Law #1 - #2; affirm Proposed Sanctions #2 - #7; amend | DN to respond. |

| | TOPIC | DISCUSSION | ACTION | FOLLOW-UP |
|-----|--|--|---|----------------|
| | | proceeded at 11:25 a.m. with R. Duhaime (RD), Chair presiding. Board members present: K. Baranowski (KB), A. Finn-Waddell (AF), K. Kidder (KK), B. Libby (BL), B. Fersch (BF), T. Collins (TC), J. Kuras (JK) Board staff present: S. Goodness (SG), K. Dickson (KD), L. O'Connor, Hearing Counsel for the Board. Respondent present to offer testimony. Hearing concluded at 11:58 a.m. | Proposed Sanctions #1 to REVOKE NH RN and APRN licenses. Unanimous. | |
| 8.1 | Requests for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions 8.1.3 K. McGinley Inactive RN #050786-21 | K. McGinley presented oral argument in support of petition to reinstate RN license. | M/TC, S/NF to reinstate RN license with 2-year PROBATION and standard stipulations. | DN to respond. |
| | | ncense. | Unanimous. | |
| | 8.1.5 B. Mockler (Thamm), RN #031598-21 | B. Mockler (Thamm) appeared with Attorney Daniel Corley to petition Board to consider early release of sanctions and probation period. | M/NF, S/BL to DENY petition for early release of sanctions and probation period. Unanimous. | DN to respond. |
| | | M/NF, S/TC to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA | | |
| | | 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: RD, KB, JK, AF, KK, NF, TC, BL, BF Non-public session began at 12:15 p.m. and concluded at 12:52 p.m. | | |
| 9.0 | Licensure 9.1 Licensure | p.in. and concluded at 12.32 p.in. | | |
| | 9.1.2 M. Cestarich LNA Licensure | M. Cestarich presented oral testimony via telephone in support of petition for LNA licensure. | M/JK, S/KK to deny petition for NH LNA licensure. Unanimous. | DN to respond. |

| TOPIC | DISCUSSION | ACTION | FOLLOW-UP |
|---|--|---|----------------|
| 9.1.3 L. Scott Inactive RN #059342-2 | L. Scott presented oral testimony in support of petition to reinstate NH RN license. | M/NF, S/TC to grant petition to reinstate NH RN license. Unanimous. | DN to respond. |
| 9.1.4 J. Loud LNA licensure | L. Loud presented oral testimony in support of petition for LNA licensure. | M/NF, S/BF to allow J. Loud to obtain LNA licensure in NH. Unanimous. | |
| 8.0 Requests for Reinstatement, Remove Probation, Restrictions, Modification Conditions 8.1.4 H. Erwin, RN #037334-21 | | M/NF, S/AF to grant petition to remove probation and all restrictions and conditions from NH RN license and grant ability to possess NH multi-state license. Unanimous. | DN to respond. |
| 9.0 Licensure 9.1 Licensure 9.1.5 C. Thivierge LNA licensure | C. Thivierge presented oral testimony in support of petition for LNA licensure. | BL recused. M/NF, S/BF to allow C. Thivierge to obtain LNA licensure in NH. Yea: NF, BF, KB, TC Nay: JK, KK, AF Motion carries. | DN to respond. |
| 9.1.6 S Swoger LNA licensure | S. Swoger presented oral testimony in support of petition for LNA licensure. | M/TC, S/AF to allow S. Swoger to obtain LNA licensure in NH. Unanimous. | DN to respond. |
| 9.1.7 K.Hutchinson LNA licensure | K. Hutchinson presented oral testimony in support of petition for LNA licensure. | M/KK, S/BL to allow K. Hutchinson to obtain LNA licensure in NH. Unanimous. | DN to respond. |
| 9.1.8 T. Silva LNA licensure | T. Silva presented oral testimony in support of petition for LNA licensure. | M/BL, S/AF to allow T. Silva to obtain LNA licensure in NH. Unanimous. | DN to respond. |
| 9.1.9 A. Nicholson LNA licensure | A. Nicholson presented oral testimony in support of petition for LNA licensure. | M/NF, S/TC to allow A. Nicholson to obtain LNA licensure in NH. Unanimous. | DN to respond. |
| 9.1.10 K. Kesmetis-Beaude LNA licensure | K. Kesmetis-Beaudet presented oral testimony in support of petition for | M/KK, S/BL to allow K.Kesmetis- Beaudet to obtain LNA licensure in NH. | DN to respond. |

| | TOPIC | DISCUSSION | ACTION | FOLLOW-UP |
|------|--|---|---|----------------|
| | | LNA licensure. | Unanimous. | |
| | 9.1.11 L. Wood LNA licensure | L. Wood presented oral testimony in support of petition for LNA licensure. | M/NF, S/BF to allow L. Wood to obtain LNA licensure in NH. Unanimous. | DN to respond. |
| | 9.1.12 A. Connelly LNA licensure | A. Connelly presented oral testimony in support of petition for LNA licensure. | M/NF, S/AF to allow A. Connelly to obtain LNA licensure in NH. Unanimous. | DN to respond. |
| | 9.1.14 M. Allard LNA reinstatement | M. Allard presented oral testimony in support of petition to reinstate LNA license. | M/NF, S/TC to allow M. Allard to reinstate NH LNA license. Unanimous. | DN to respond. |
| 8.0 | Request for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions | | | |
| | 8.1.1 R. Perkins, LPN #013747-22 | R. Perkins provided Board with information regarding inconsistent monitoring and low creatinine levels. | M/NF, S/BF to permit R. Perkins to retain her LPN license. Unanimous. | DN to respond. |
| | 8.1.2 L. Ryznal, RN #047047-21 | Reviewed and discussed modification of Board Order requesting suspension of requirement for random drug testing until L. Ryznal finds new employment. | M/NF, S/AF to deny request for modification. Unanimous. | DN to respond. |
| 7.0 | Adjudicative (Investigator/Prosecutor) 7.3 Motion for Reconsideration/Rehearing/ Continuance | | | |
| | 7.3.1 S. Mallet, RN #055552-21 Motion for Rehearing Hearing Counsel's Objection to Motion for Rehearing | Reviewed and discussed Motion for Rehearing received from H. Edward McBurney, Esq., on behalf of Sarah Mallett, RN. Reviewed and discussed Hearing Counsel's Objection to Motion for Rehearing. | M/NF, S/BL to deny Motion for Rehearing. None of the Findings of Fact in the Board's order of January 23, 2013, were unlawful or unreasonable or based upon a mistake of fact or law. Unanimous. | DN to respond. |
| 10.0 | Education 10.1 Continuing Approval 10.1.1 Pinkerton Academy LNA Program | Reviewed and discussed. | M/NF, S/BL to grant <i>Continuing</i> Approval of LNA program and coordinator. Unanimous. | DN to respond. |

| TOPIC | DISCUSSION | ACTION | FOLLOW-UP |
|--|--|--|----------------|
| 10.3 Educational Issues 10.3.1 Review of NCLEX scores for WMCC | Reviewed timeline of action and communication regarding low NCLEX scores for WMCC. | Board voted to send WMCC Notice of Hearing to appear before Board in April. | |
| 11.0 Practice Inquiries and Practice Committee Reports | | | |
| 11.1 Liaison Committee (KK) | No report. | | |
| 11.2 P & E Committee (NF) | Next meeting February 25, 2013. | | |
| 11.3 Request for Board Advice: 11.3.1 LPN Scope of practice: Administration of monoclonal antibodies | Reviewed question of whether or not it is within LPN scope of practice to administer Orencia or Tysabri via running IV line. | M/NF, S/TC to affirm that it is NOT within LPN scope of practice to be responsible for administration of monoclonal antibodies. These medications require more than a focal assessment of patient relating to reactions and symptoms which is what is allowed under RN scope of practice. Unanimous. | DN to respond. |
| 11.3.2 RN Scope of Practice: Prepare bone marrow biopsy blood smear | Reviewed question of whether or not it is within RN scope of practice to prepare bone marrow biopsy blood smear slides | Board consensus that it is within RN scope of practice to prepare slides while in performance of patient care. | DN to respond. |
| 11.3.3 LNA scope of practice: Application of AFOs, DAFOs, TLSOs, etc. | Reviewed question of whether or not it is within LNA scope of practice to apply AFOs, DAFOs, TLSO, etc. in homecare. | Board consensus that it is NOT within LNA scope of practice. Application of this equipment requires assessment which is not within LNA scope. | DN to respond. |
| 11.3.3 LNA scope of practice: Collecting flu swab and Rapid Strep swabs | Reviewed question of whether or not collecting flu swabs and Rapid Strep swabs are within LNA scope of practice. | Board consensus that these procedures need some level of assessment; therefore, it is not within LNA scope of practice. | DN to respond. |
| 12.0 Committee Reports and Recommendations 12.1 HeM 1201 | No report. | | |
| 12.2 Day of Discussion 12.2.2 LNA Day of Discussion | Next Day of Discussion scheduled for | | |

| TOPIC | DISCUSSION | ACTION | FOLLOW-UP |
|---|--|--|----------------|
| | mid-June. | | |
| 12.2.3 RN Day of Discussion | No report. | | |
| 12.3 ADA (NF) | No applicants. | | |
| 13.0 Legislation | DN updated Board on legislative issues. | | |
| 14.0 National Council | NCSBN Mid-year meeting, March 11- 13, 2013 in San Jose, CA. KB and DN are scheduled to attend. | | |
| 4.0 Report of Executive Director/Staff 4.3 Road to Recovery issue | Reviewed and discussed 2 participants currently in Road to Recovery. | M/NF, S/TC to approve removal of both participants from Road to Recovery. Unanimous. | DN to respond. |
| 17.0 Adjournment | | Meeting adjourned at 3:45 p.m. | |
| | Next regular meeting: March 21, 2013 8:00 a.m. NH Board of Nursing Education Conference Room 100 First Floor 21 South St Concord, NH 03301 | | |
| | | Respectfully submitted, | |
| | | Denise Nies, MSN, RN, BC Executive Director | |